

The Standard Documents for Construction and Standard Documents for Construction for Projects with a Construction Manager are hereby changed. The following articles replace those in the 2006 and 2009 editions. All other articles remain applicable.

00 21 50 WORK WITH OWN STAFF

.2 Subcontractors and Suppliers

C. Subcontract/Supplier Disclosure. The Contractor shall submit with his/her bid the names and CDB issued identification (ID) numbers (prequalification ID number or registration ID number), if known, of all first tier subcontractors and suppliers with a subcontract value greater than \$50,000 to be utilized by the Contractor in the performance of this contract and any lower tier subcontractor/supplier with a subcontract value greater than \$50,000 and where the subcontractor/supplier is either named in the specifications or is one over whom the Contractor retains the right to approve and/or make payments for work. The subcontract shall include reference for compliance with Illinois Procurement Code 30 ILCS 500/20-120. Financial and Conflict of Interest disclosures and standard certifications for each subcontractor over \$50,000 must be submitted to CDB by the contractor within 20 days of the execution of a contract with CDB or 20 days of the execution of the subcontract, whichever is later. The Contractor shall promptly notify the State in writing of any additional or substitute subcontractors meeting the above criteria hired during the term of this contract (names, addresses, expected contract amount and CDB ID nos.). Upon request by the CPO, the Contractor shall provide CDB a copy of each subcontractor's subcontract. No work can be performed by these subcontractors until the Certifications and Disclosures have been reviewed and approved by the State Purchasing Officer.

00 43 39 MINORITY AND FEMALE BUSINESS ENTERPRISE PARTICIPATION

- .1 Certification.** CDB will only accept Minority and Female Business Enterprise (MBE/FBE) firms certified by the Illinois Department of Central Management Services (CMS) as a MBE or FBE; or a MBE/FBE that has been certified by an agency recognized by CMS and is registered with CMS as MBE/FBE. In each case, the MBE/FBE's certification/registration with CMS shall be in good standing prior to the bid opening.
- .2 Designated Projects.** CDB may designate projects with "MBE/FBE Participation Goals." See the bid form and Section **01 11 00** of the project manual for applicable goals for first and second tier (level) subcontractors and supplier MBE/FBE participation.
- .3 Bid Form.** Each bidder shall name, on the bid form provided, the minority and female owned businesses it intends to use to meet the specified goals. If the specified goals are not met, the bidder shall submit with its bid a request for change/waiver of MBE/FBE goals or, within 7 (seven) calendar days of the bid opening, submit documentation of its good faith efforts to achieve the goals.
- .4 MBE/FBE Bidder.** If the bidder is a minority or female owned business, indicate by stating "Bidder is an MBE/FBE firm" on the applicable page of the bid form. CDB encourages MBE/FBE prime bidders to use MBE/FBE subcontractors/suppliers.
- .5 Joint Venture.** If the bidder is a joint venture, the percentage of ownership held by the MBE/FBE joint venturer may be used to meet the MBE/FBE goal for the contract.

- .6 Subcontracts.** Subcontracting of work to a lower tier non-MBE/FBE firm which would reduce the proceeds received by the subcontracting MBE/FBE firm below the specified goal is prohibited. CDB may, in such cases, reject the bid or terminate the contract. Refer to Paragraph 00 51 20.2.A.10).
- .7 Request for Assistance.** If the bidder needs assistance in locating subcontractors or suppliers to meet the goals, bidder shall contact CDB's Fair Employment Practices Division prior to the submittal of the bid.
- .8 Submittal of good faith documentation or change waiver request. Include with the package:**
- A. All information indicating why the specified goal cannot be met.
 - B. A list of all MBE/FBE firms contacted and the dates they were contacted, including documentation from those firms.
 - C. Copies of all bid solicitation letters to MBE/FBE firms. Letters shall contain, as a minimum:
 - 1) Project Title and Location
 - 2) Classification of Work Items for Which Quotations are Requested
 - 3) Date, Time, and Place Quotations are Due
 - 4) Returnable Acknowledgment of the Solicitation
 - D. Evidence, such as a log, of telephone contact including time and date of call, telephone number, and name of the person called.
 - E. All other evidence of good faith efforts made by the bidder to secure eligible MBE/FBE firms to meet the specified goal. Evidence may include documentation that states the following:
 - 1) A reasonable number of MBE/FBE firms were contacted.
 - 2) The work selected by the bidder for allocation to MBE/FBE firms was selected in order to increase the likelihood of achieving the specified goal.
 - 3) The bidder negotiated, in good faith, with the potential MBE/FBE firms by not imposing any conditions which are not similarly imposed on all other subcontractors and suppliers, or by denying benefits ordinarily conferred on subcontractors or suppliers for the type of work for which bids were solicited.
 - 4) The services of the referral agencies were used by the bidder in efforts to achieve the specified goal.
 - 5) The bidder attended CDB pre-bid meeting for the project.
 - F. Other relevant information in support of the change/waiver request.
- .9 Replacement of MBE/FBE Subcontractor or Supplier.** If it can be demonstrated that the MBE/FBE subcontractor or supplier cannot perform the work, or if a MBE/FBE loses its CMS certification/registration after the bid opening, then the Contractor shall make a good faith effort to replace, in-kind, the MBE/FBE. The contractor shall identify the replacement MBE/FBE or provide evidence of good faith effort to find a replacement on the Contractor's letterhead and submit with documented evidence of cause to CDB's Office of Fair Employment Practice. CDB will review submittal and may, at its sole discretion, authorize the replacement or approve the good faith effort.
- .10 Calculation of MBE/FBE Participation as a Material Supplier or Subcontractor**
- A. MBE/FBE as a material supplier: A 100 percent goal credit is allowed for the cost of materials or purchases from a MBE/FBE regular dealer.

- B. MBE/FBE as a subcontractor: A 100 percent goal credit is allowed for the work of the subcontract performed by the MBE/FBE's own forces (performing, managing and supervising the work), including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the MBE/FBE subcontractor from the prime Contractor or its affiliates. Work that a MBE/FBE subcontractor in turn subcontracts to a non-MBE/FBE does not count toward the MBE/FBE goal.

00 45 00 CERTIFICATIONS OF COMPLIANCE WITH APPLICABLE LAWS

.14 Recertification. If the contract extends over multiple years, vendor (A/E or Contractor) and its subcontractors will sign and submit to CDB Contracts the required Compliance Form (available in the Reference Library on CDB's website: www.cdb.state.il.us) by April 1 of each subsequent year after the contract is signed. Failure to do so may result in voiding the contract by operation of law or rendering the contract voidable at the option of the State without additional compensation. Violations of certain provisions may also be deemed a civil or criminal offense.

00 51 20 ACCEPTANCE AND REJECTION OF BIDS

.1 CDB's Rights. When, in its opinion, it is in the best interest of the state, CDB reserves the right to:

- A. Accept any bid
- B. Reject any or all bids
- C. Waive technical deficiencies and irregularities
- D. Allow bidder to remedy technical deficiencies or irregularities within a stated time
- E. Rescind any notice of award if CDB determines the notice of award was issued in error
- F. Rescind any notice of award when it is in the best interest of the state
- G. Rebid any contract

.2 Bid Rejection.

A. Bids will be rejected for the following material deficiencies:

- 1) Failure to be prequalified with CDB no later than the close of business the day before the bid opening (Article [00 21 05](#)) or being determined non-responsible after bid opening.
- 2) Submission of a bid late (Paragraph [00 51 10.1](#)).
- 3) Failure to submit bid and/or bid modifications to appropriate bid opening office.
- 4) Submission of a bid in a manner that reveals the bid price prior to the bid opening (example: by fax). (Paragraph [00 42 10.4](#)).
- 5) Use of a bid envelope, which is received by CDB unsealed, or marked in a manner that does not reasonably identify the project and/or contract for which it is intended (Paragraph [00 42 10.3](#)).
- 6) Omission of a base bid price, alternate bid price or unit price (Paragraph [00 42 10.1](#)).
- 7) Submission of a bid price that cannot be determined.
- 8) Deletion of original signatures to the extent that an intent to be bound by the bid is not apparent.

- 9) When CDB does not accept the unit price(s), when those prices are an integral part of the base bid, all bids for that contract will be rejected.
 - 10) Failure to attend a mandatory pre-bid meeting.
 - 11) Bids not in substantial conformance with the bidding documents and whose non-conformance is determined to be material and unresponsive.
 - 12) Failure to submit a completed CDB form 00 41 05 (Minority/Female Business Participation).
 - 13) Failure to use good faith efforts to achieve minority/female business participation goals.
 - 14) Failure to submit Bidder Disclosure(s) form and Certifications with bid.
- B. The following technical deficiencies may be remedied by the bidder within seven calendar days. Failure to remedy the bid within seven calendar days shall result in rejection of the bid. These technical deficiencies are:
- 1) Failure to use a revised bid form when bid forms have been changed by addenda.
 - 2) Failure to acknowledge an addendum, however adjustment of the bid amount will not be allowed.
 - 3) Failure to provide USDOL Apprenticeship and Training Certification for bidder and all known subcontractors.
 - 4) Failure to submit bidder's Certificate of Registration in an approved apprenticeship and training program.
 - 5) Failure to supply subcontractor and/or supplier names and Taxpayer Identification Numbers as required.
 - 6) Submission of a bid bond not on CDB's form (Paragraphs [00 43 13.1](#) and [00 43 13.2](#)).
 - 7) Submission of a bid security in a form other than a bid bond, certified check, cashier's check or bank draft (Paragraph [00 43 13.1](#)).
 - 8) Omission of the signature of the officer of the surety or any other required signatures except the signature in Paragraph [00 51 20.2.A.8](#)), submission of those signatures in pencil or submission of a non-original signature.
 - 9) Replacement of a bid security from an unacceptable surety with one from a surety acceptable to CDB (Paragraph [00 43 13.4](#)).
 - 10) Failure to furnish and/or complete the DHR PC-2 form.
 - 11) When applicable, failure to submit documentation of good faith efforts to meet MBE/FBE goals.
 - 12) Failure to submit a signed affidavit stating that the bidder will maintain an Illinois office as the primary place of employment for persons employed in the construction

authorized by the contract.

13) Failure to submit Certificate of Registration with State Board of Elections in accord with 30 ILCS 500/20-160.

14) Failure to submit Disclosure of Business Operations with Government of Iran form in accord with 30 ILCS 500/50-36.

C. CDB at its sole discretion and without conferring any rights on any bidder may waive bid technical deficiencies or irregularities that are not in conformance with the bidding documents but whose non-conformance is non-material or minor.

D. Submittal of conditions or qualifying statements contrary to CDB's contract terms is not acceptable and, unless rescinded, the bid shall be rejected.

00 51 28 MBE/FBE BUSINESS CERTIFICATION, POST REQUIREMENTS

- .1 Post-Award submittal .** See Article 005140. The contract awardee shall submit CDB's MBE/FBE Subcontractor Supplier Certification form, Document 00665 (available in the Reference Library on CDB's website), for each of the MBE/FBE subcontractor(s) and/or supplier(s) being utilized to meet the designated participation goals as specified on the bid form and in Section 01 11 00 of the project manual. The form must be signed by the MBE/FBE subcontractor or supplier and shall be submitted to CDB's FEP section.

Completion of the 00665 form is not required if the Contractor is an MBE or FBE firm. MBE/FBE prime contractors are encouraged to utilize MBE/FBE subcontractors/suppliers. If goals are split (separate MBE and FBE goals), then an MBE or FBE firm must supply 00665 forms for the subcontractor firm(s) utilized to meet the FBE or MBE goal, respectively.

- .2 Listed Firms.** The 00665 certification form shall be completed and submitted for each MBE/FBE firm listed on the bid form.
- .3 Compliance.** The MBE/FBE participation goal dollar value is based upon the total contract sum (including awarded alternates). The participation goal percentage amount(s) shall meet or exceed the goal(s) as specified on the bid form (and in Section 01 11 00 of the project manual), or in an approved change/waiver request (refer to Article 00 43 39 herein).
- .4 Voluntary.** Contractors are encouraged to utilize MBE/FBE subcontractors/suppliers for those projects that are not designated for MBE/FBE participation and complete the 00665 certification form for each MBE/FBE firm. MBE/FBE subcontractors/suppliers may be added at any time during the project.
- .5 Subcontracts/Supplier agreements.** Copies of subcontracts or supplier agreements (to correspond with each 00665 form) are required to be submitted within ten (10) days of the Notice of Award.

00 51 40 POST AWARD REQUIREMENTS

- .1 Contractor's Duty to Comply.** The Contractor may not proceed with the work until the following post award requirements are met. These requirements are part of the contract and failure to comply with these requirements shall constitute a breach of the contract. CDB shall issue Authorization to Proceed upon successful completion of these post award requirements.

- .2 Submittals.** Within ten (10) calendar days from the date of the notice of award letter, the Contractor shall furnish, on CDB forms, the following:
- A. Contract executed by the Contractor;
 - B. Performance Bond;
 - C. Labor and Material Payment Bond;
 - D. Certificates of Insurance;
 - E. Builder's Risk Insurance Policy (if applicable);
 - F. MBE/FBE Subcontractor Supplier Certifications, Form 00665 and MBE/FBE Subcontractor/Supplier agreements (if applicable);
 - G. Completed substance Abuse Prevention Certification form and Contractor's substance abuse plan (if applicable);
 - H. DHR PC-2 accepted by FEP Technician; and
- .3 Cancellation of Award.** All post award requirements are mandatory. Noncompliance shall be cause for CDB to cancel the notice of award and make a claim against the bid security.
- .4 Post Award Extensions.** CDB may extend the time limitations for good cause. No extension shall operate as a waiver of post award requirements, nor shall it extend the contract completion date.
- .5 Delays.** Any delays to the commencement of the work due to the Contractor's failure to meet the post award requirements shall be the responsibility of the Contractor and its surety. Contractor and its surety shall be responsible for the costs of any such delays.

00 51 45 MBE/FBE BUSINESS POST-AWARD SUBCONTRACTS/SUPPLIER AGREEMENTS

- .1 General.** Contract awardee shall submit MBE/FBE subcontracts, or supplier agreements within ten (10) days of the Notice of Award.

Submittal is not required if the Contractor is an MBE or FBE firm. If the MBE/FBE prime contractor utilizes MBE/FBE subcontractors, it shall submit copies of subcontracts or agreements for same.

00 73 17 BONDS, GENERAL

.4 Discretion to Adjust Criteria

5) Sureties that do not have an A.M. Best rating may apply for acceptance to provide bonds up to 50% of their statutory allowed limit or \$500,000, whichever is less, if they meet the following criteria and obtain the Director's approval based on the information requested below.

Criteria

- 1. The company must be an Illinois Domiciled company.**
- 2. The company must be licensed to write surety in the State of Illinois.**
- 3. The company has been writing contract surety in Illinois for a minimum of two years.**
- 4. The company is currently and has been a member of the Surety and Fidelity Association of American (SFAA) for the two most recent years.**
- 5. The company must have a Risk-Based Capital ration of 250% or greater.**
- 6. The company must be able to demonstrate the underwriting expertise for contract surety.**

01 29 73.1 SCHEDULE OF VALUES

- F. Provide CDB prequalification/registration ID numbers on the CSV form for subcontractors/suppliers described in [00 21 50.2C](#).
- G. Identify work performed by MBE/FBE subcontractors and suppliers on the CSV form.
- H. Revise and resubmit CSV for approval if any substitution or replacement of subcontractors or suppliers occurs.
- I. Revise and resubmit CSV for approval if any change in the contract amount of subcontractors or suppliers other than a change resulting from a change order occurs.

01 29 76 PROGRESS PAYMENT PROCEDURES

.5 Payments to Subcontractors and Suppliers.

- D. Subcontractors (as described in [00 21 50.2C](#).) who have not obtained a CDB ID number and/or have not submitted the required Disclosures and Certifications may have their payment amounts withheld by CDB in addition to any other remedy provided by this contract or by law. No work can be performed by these subcontractors until the Certifications and Disclosure documents have been reviewed and approved by the State Purchasing Officer.